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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/699,216	10/27/2000	Patrick Potega		8292

7590 06/30/2005  
PATRICK H. POTEGA  
7021 VICKY AVENUE  
WEST HILLS, CA 91307-2314

EXAMINER VERBITSKY, GAIL KAPLAN	
ART UNIT 2859	PAPER NUMBER

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 09/699,216	<b>Applicant(s)</b> POTEGA, PATRICK	
	<b>Examiner</b> Gail Verbitsky	<b>Art Unit</b> 2859	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-100, 106, 108, 110 and 112-116 is/are pending in the application.
- 4a) Of the above claim(s) 1-53 and 79-99 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 54-78, 100, 106, 108, 110 and 112-116 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-53 and 79-99 are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### Restriction by Original Presentation

1. Newly submitted claims 1-53 and 79-99 are directed to an apparatus for enabling multiple modes, etc., that is independent or distinct from the invention originally claimed for the following reasons:

- a) the originally claimed invention, i.e., claims 1-18, now claims 100, 106, 108, 110, 112, 113, 114, 115, and new claim 116, is directed to an apparatus for monitoring temperature functions of a power source. Claims 54-78 are also directed to an apparatus for monitoring temperature functions of a power source.
- b) the invention stated in claims 1-53 and 79-99 is not directed to monitoring temperature functions.
- c) the originally claimed invention is classified in class 374, subclass 185.
- d) the invention stated in new claims 1-53 and 79-99 is classified in class 429.

Since Applicant has received an action on the merits (01/24/2002, 03/17/2004 and 10/27/2004) for the originally presented invention, this invention (claims 100-117) has been constructively elected by original presentation for further prosecution on the merits. According to the telephone interview on February 01, 2005, it was agreed that the Examiner would consider claims 54-78. Accordingly, claims 1-53 and 79-99 are withdrawn from consideration as being directed to non-elected invention. See 37 CFR and MPEP 821.03.

***Allowable Subject Matter***

2. Claims 54-78, 100, 106, 108, 110, 112-116 are allowed. Applicant should cancel claims 1-53 and 79-99.

***Response to Arguments***

3. Applicant's arguments have been fully considered.

With respect to claims 1-53 and 79-99, please refer to paragraph 1.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited in the PTO-892 and not mentioned above disclose related devices and methods.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gail Verbitsky whose telephone number is 571/ 272-2253. The examiner can normally be reached on 7:30 to 4:00 ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on 571/ 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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GKV

Gail Verbitsky

Primary Patent Examiner, TC 2800

A handwritten signature in cursive script, appearing to read "G. Verbitsky".

June 15, 2005



approved  
06/15/05-CL

FIG. 1

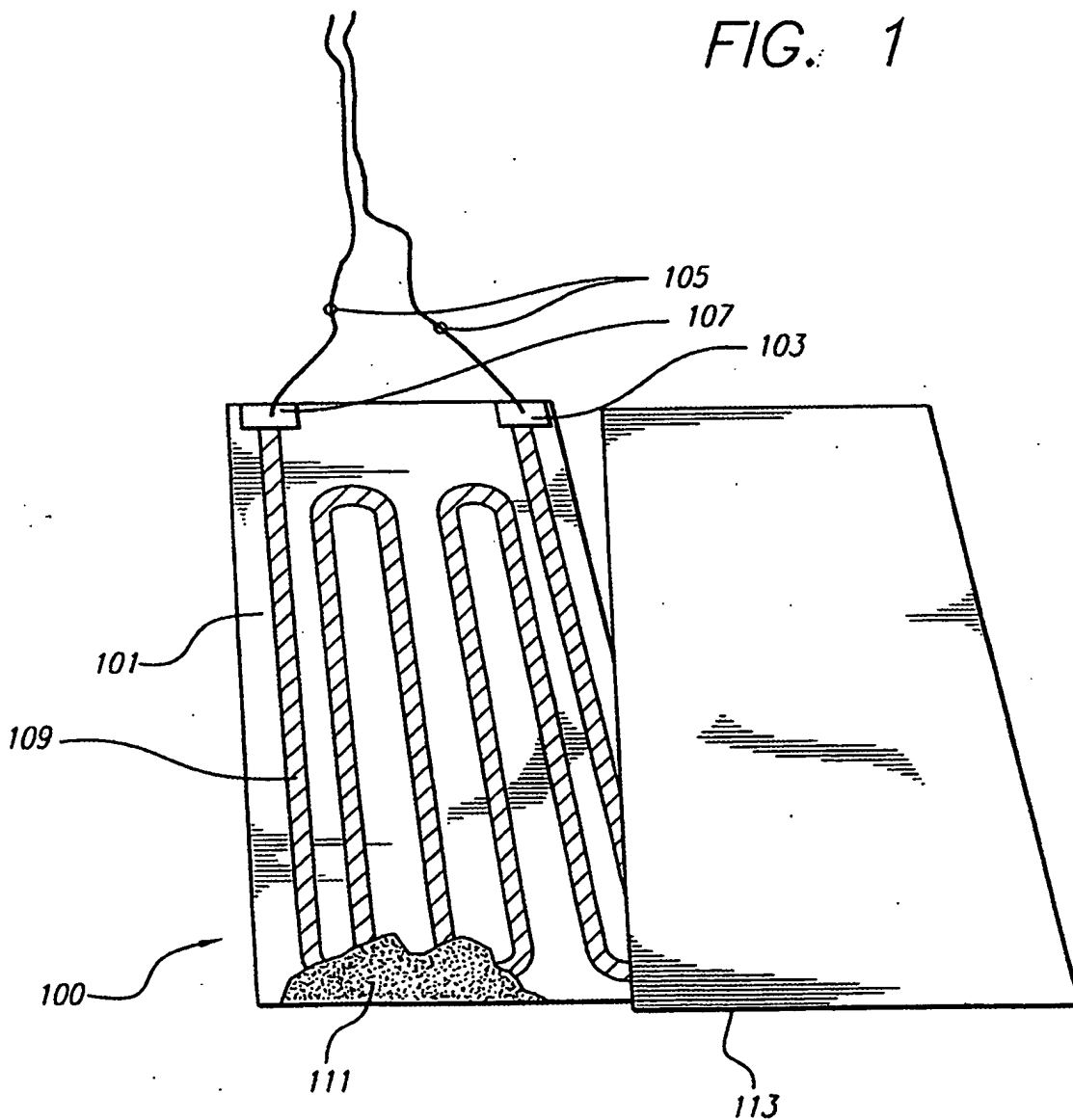




FIG. 3

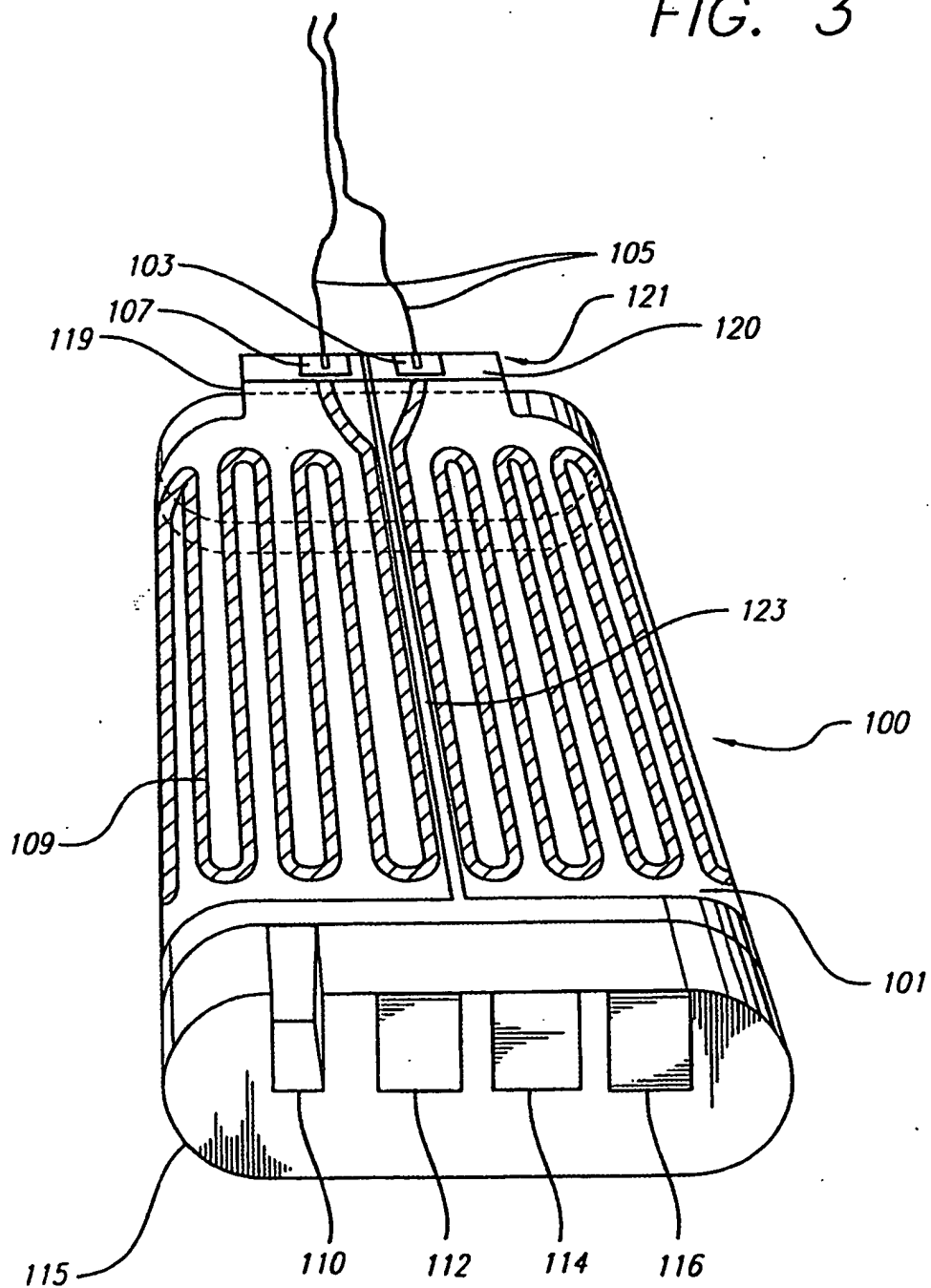


FIG. 4

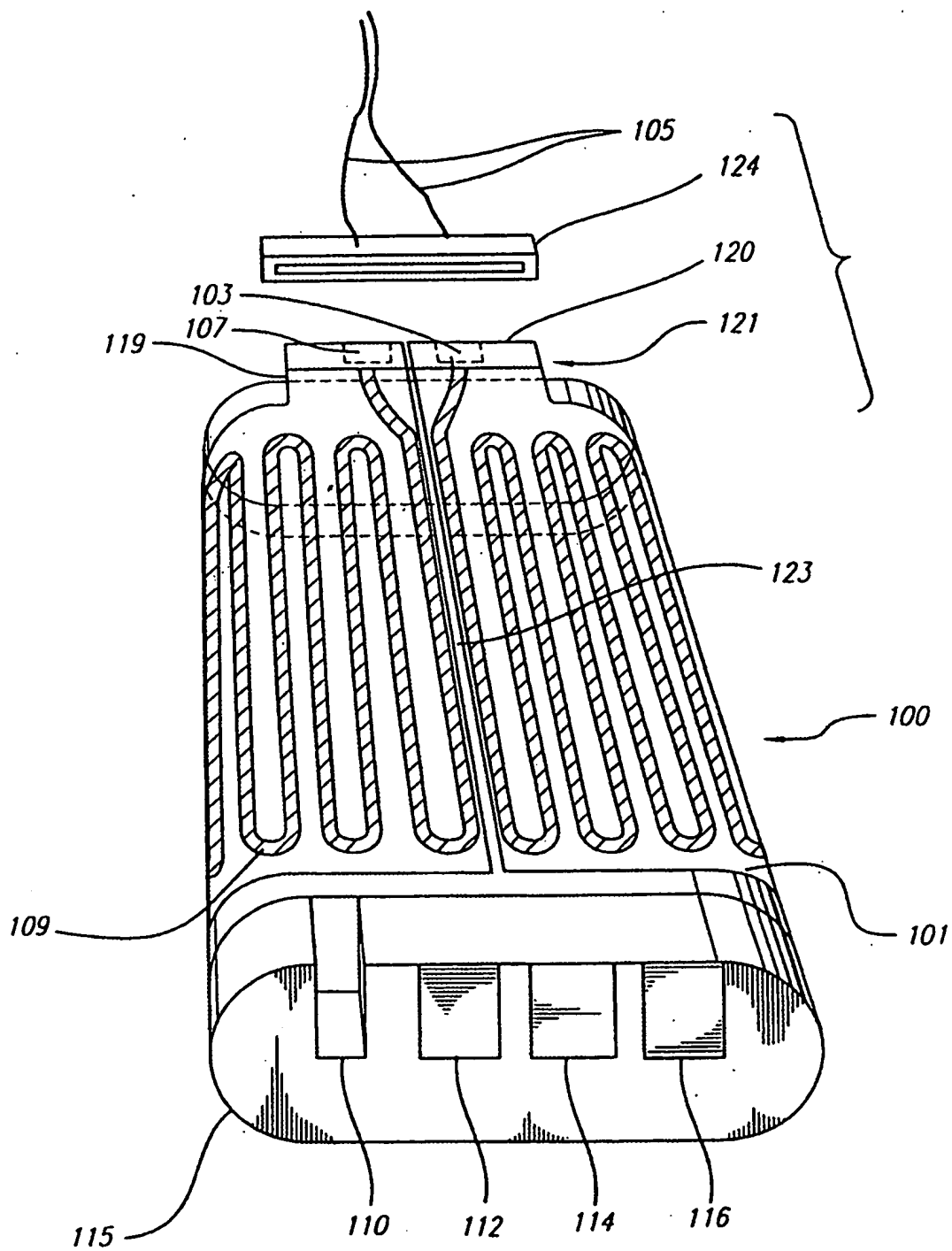


FIG. 5A

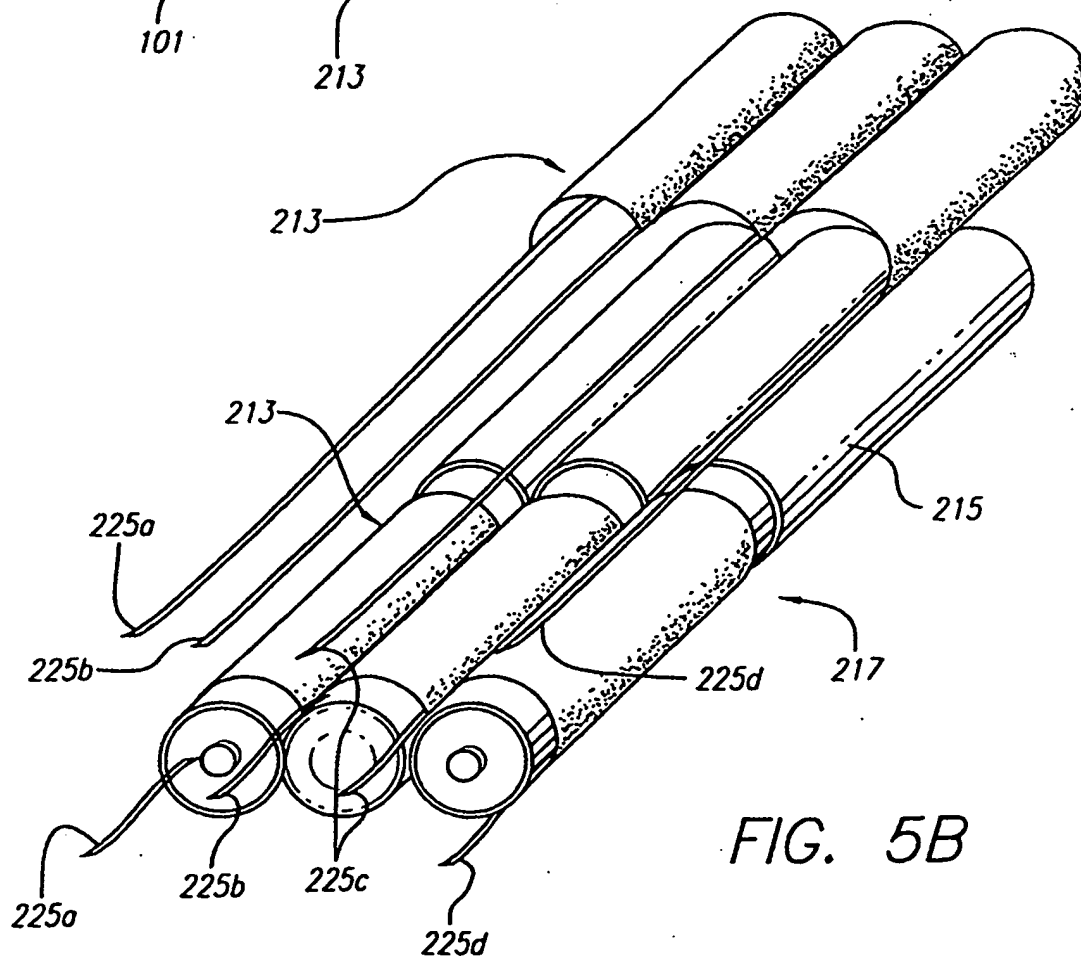
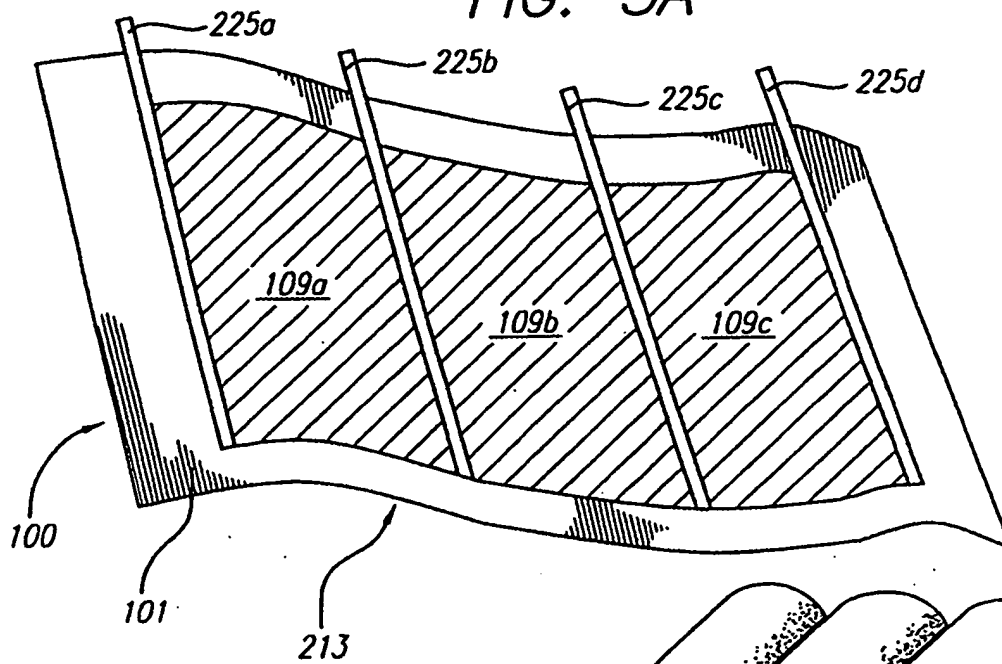


FIG. 5B

FIG. 6

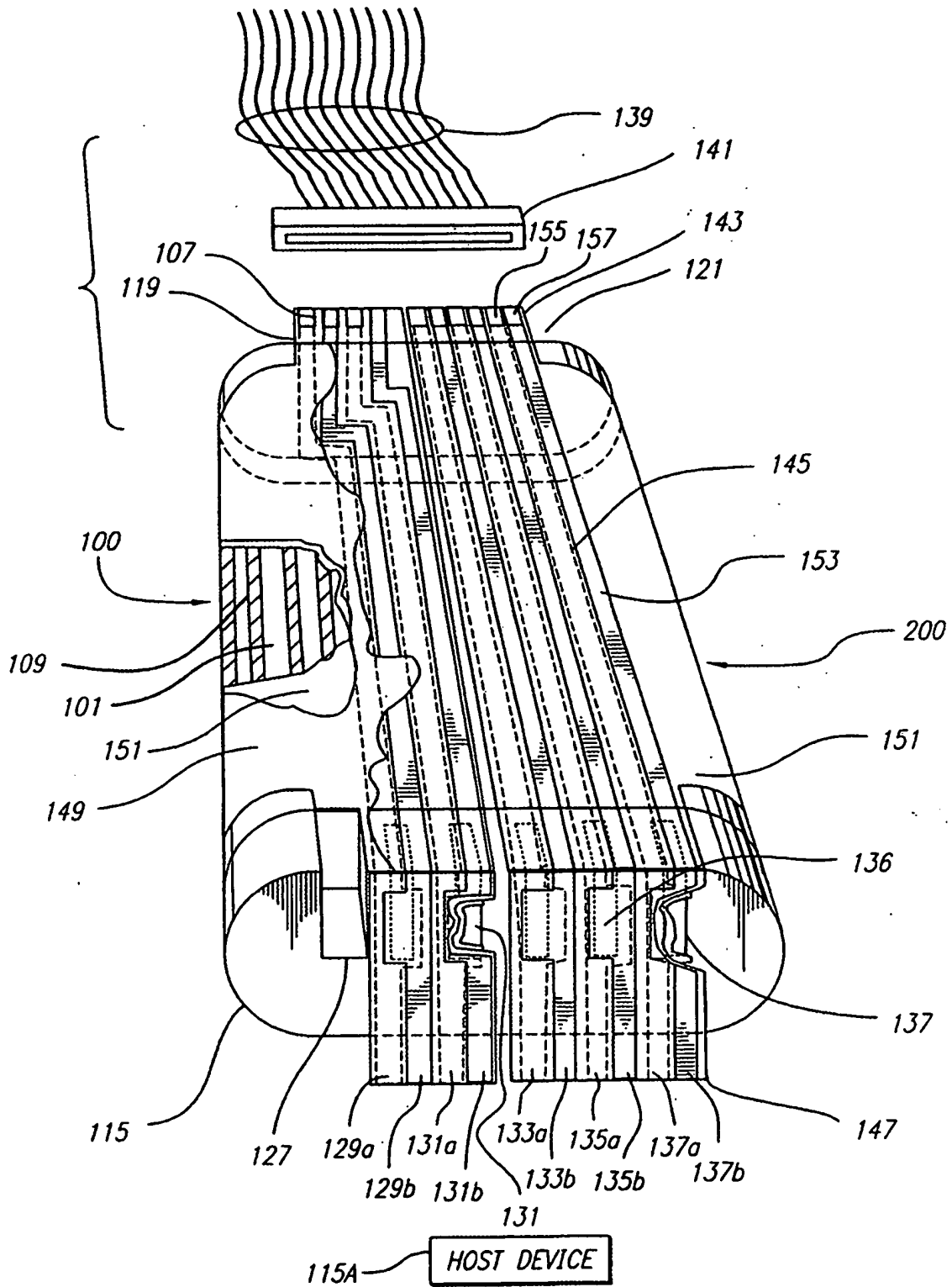
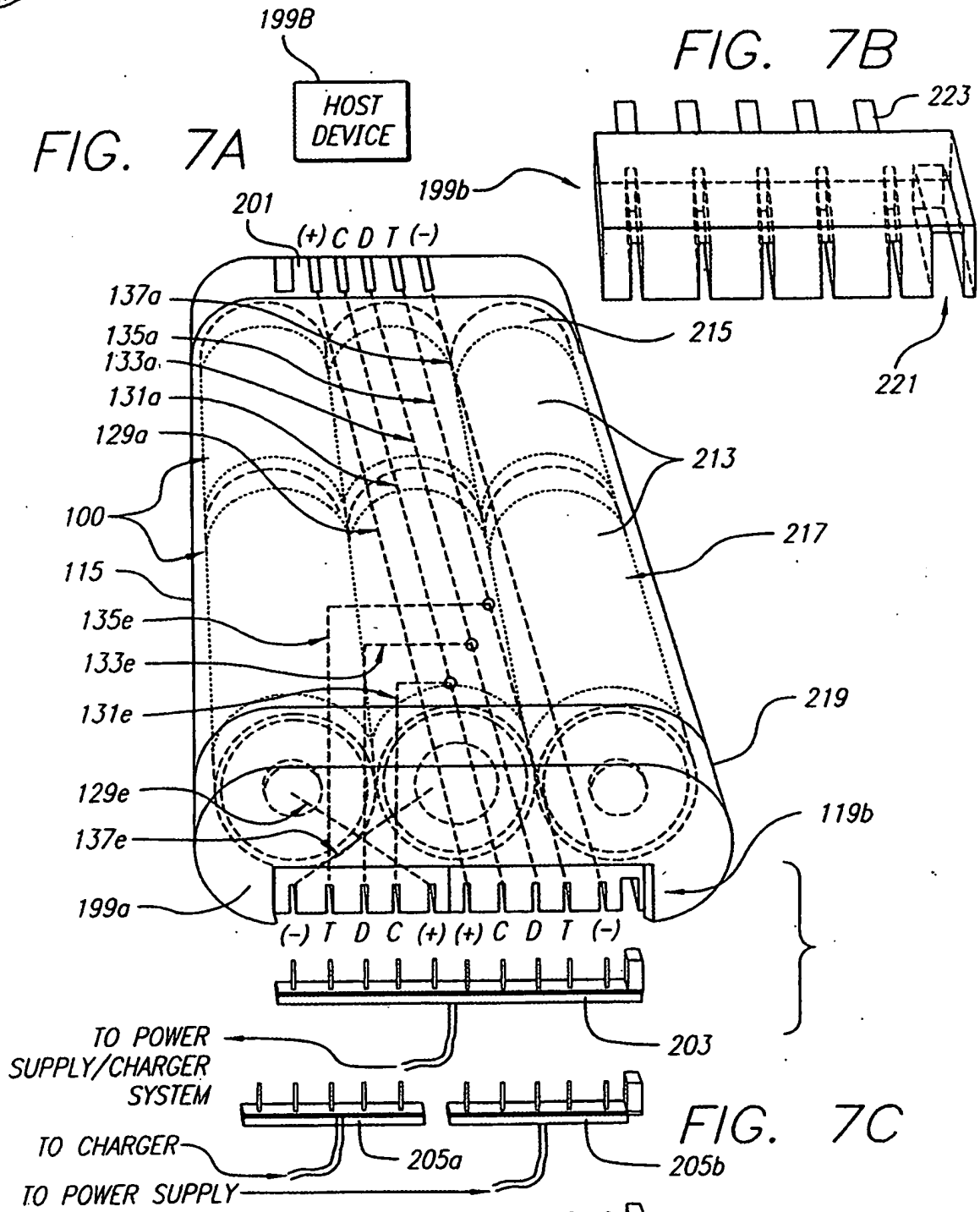


FIG. 7A



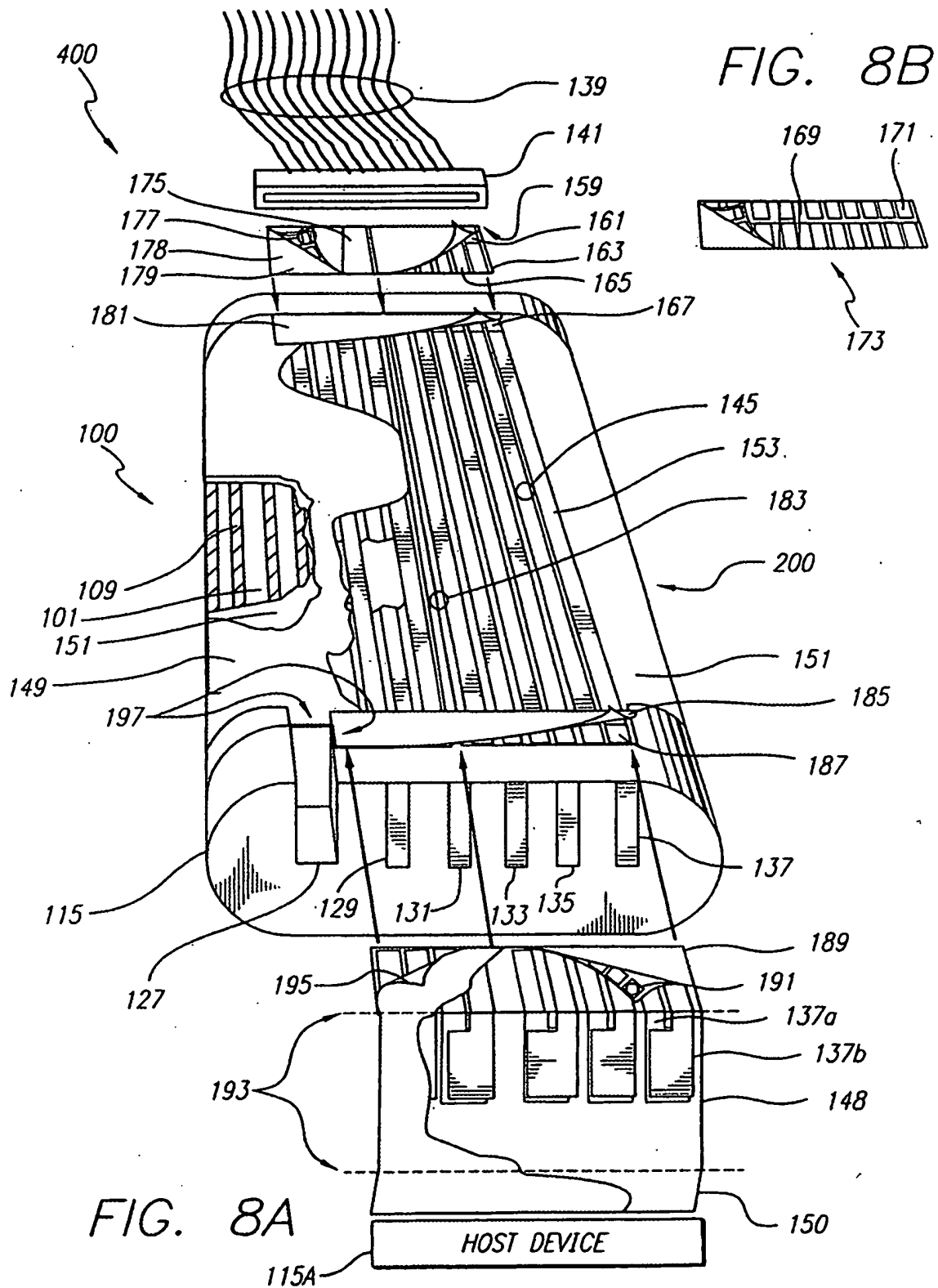
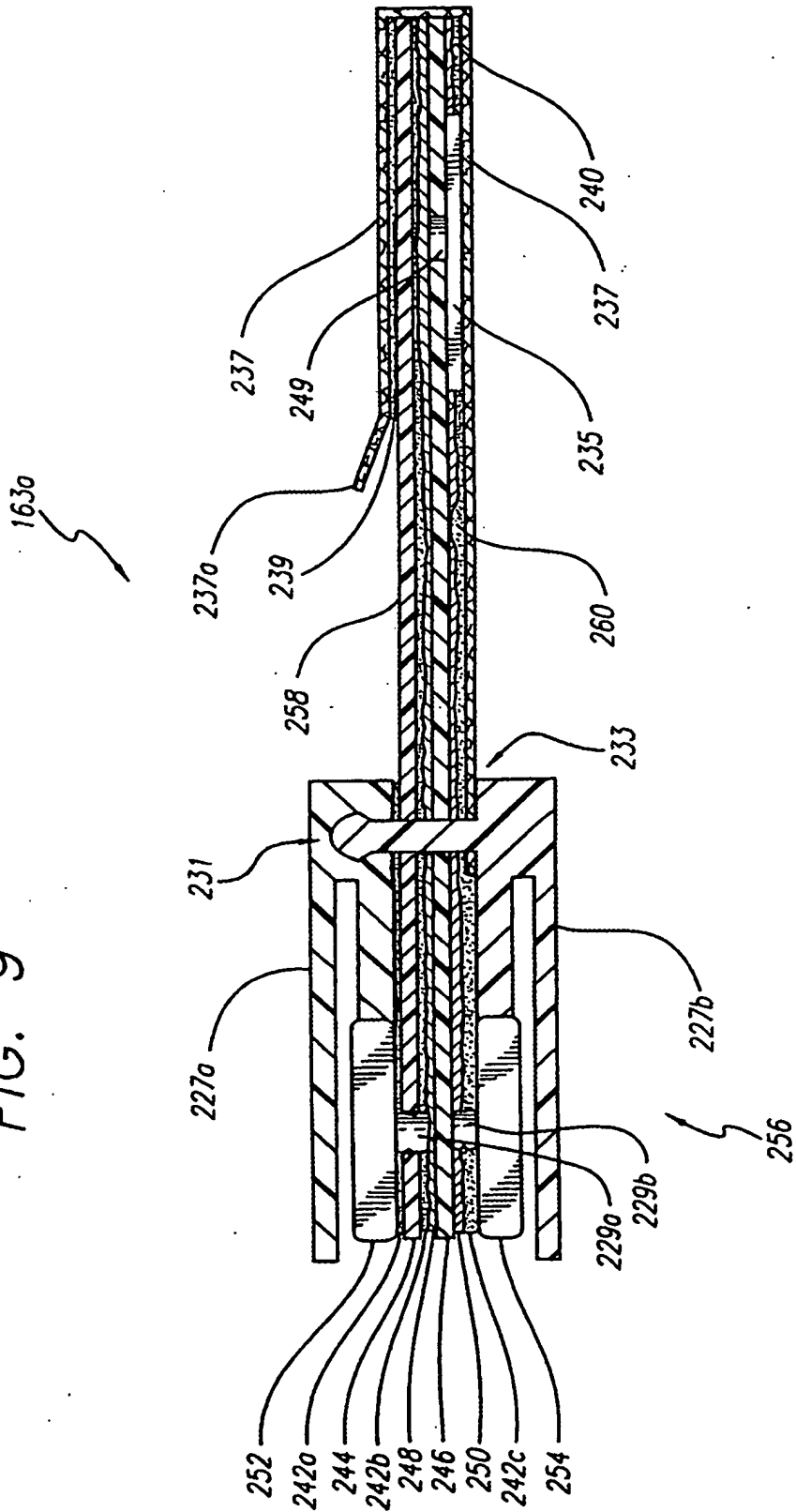


FIG. 9





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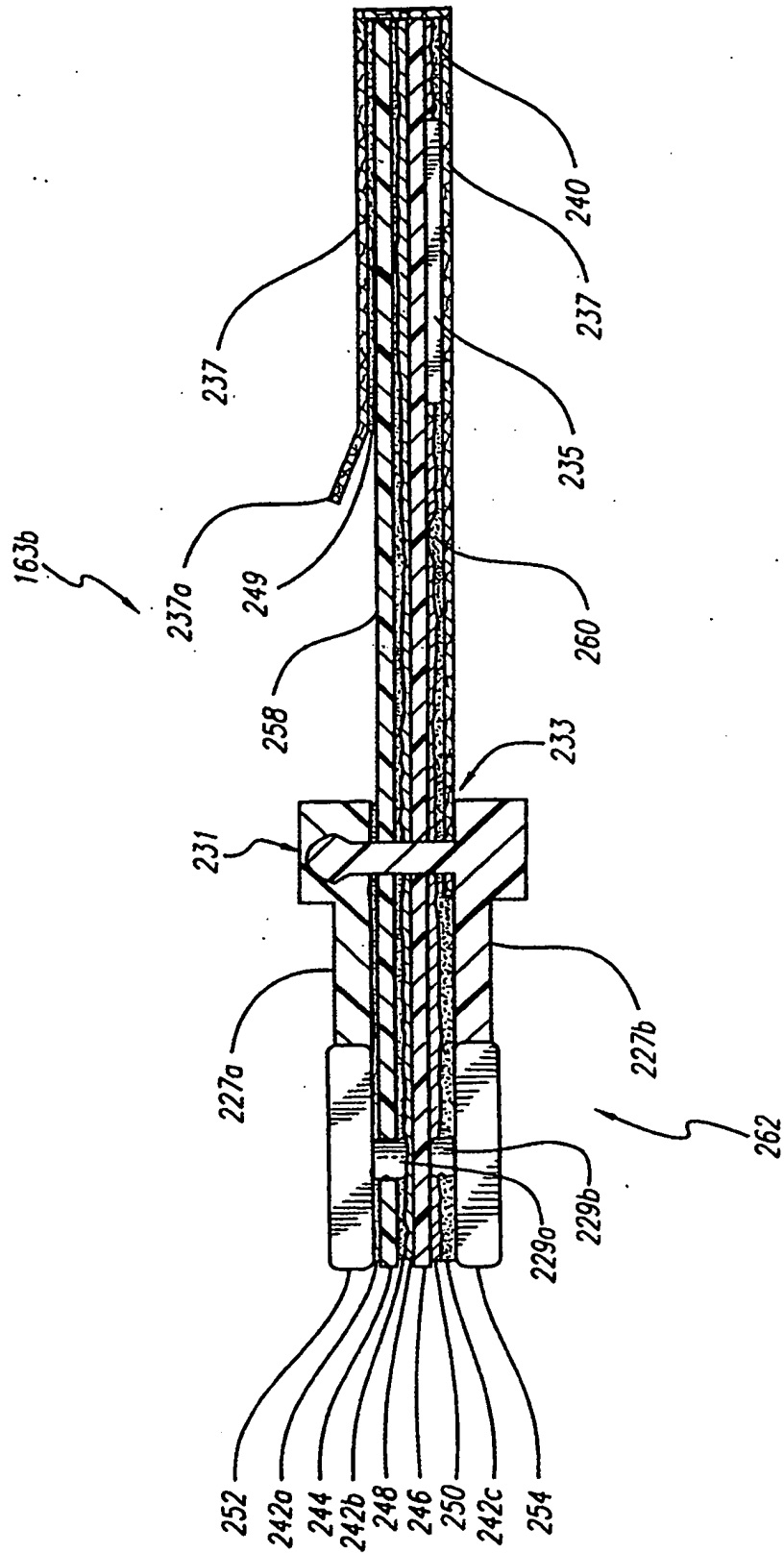
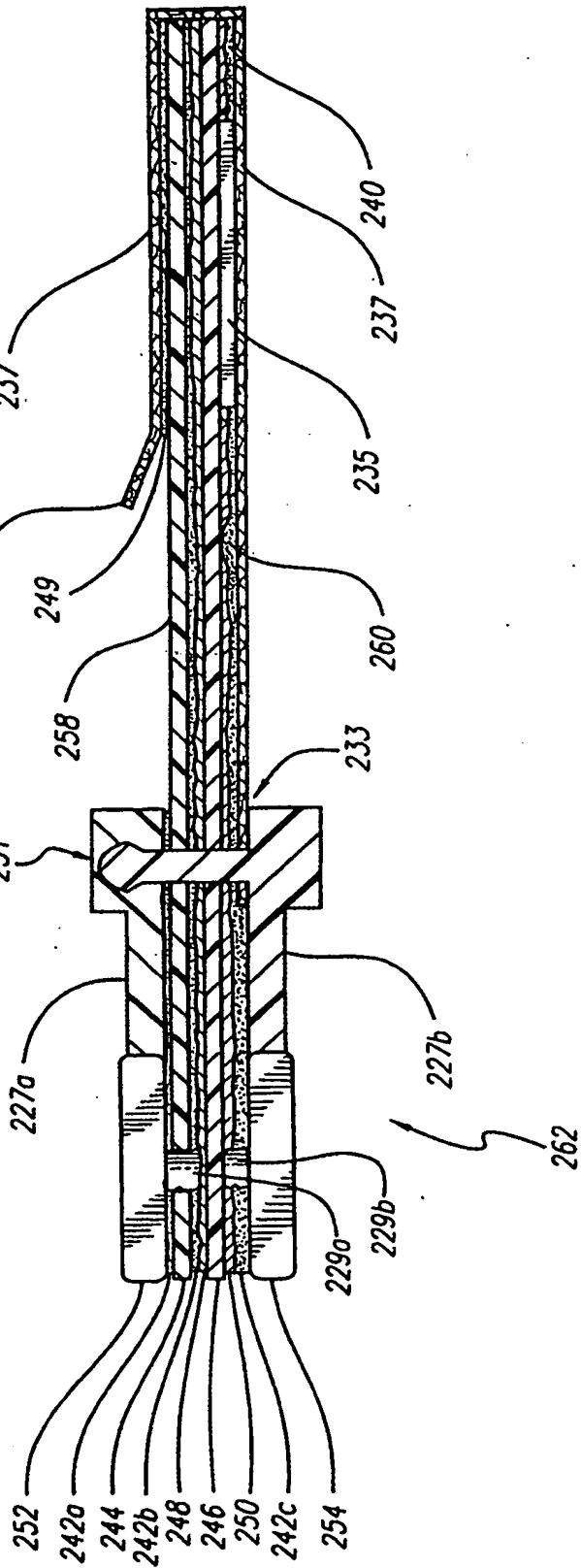


FIG. 10



252  
2420  
244  
242b  
248  
246  
250  
242c  
254